

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4

In the Matter of:

Hilcorp Energy Company
Annie Hill Tank Battery
Mobile County, Alabama

Respondent.

Administrative Compliance Order
Docket No.

ADMINISTRATIVE COMPLIANCE ORDER

Commented [AM1]: Change well site to tank battery

A. PRELIMINARY STATEMENT

1. This Administrative Order (“Order”) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 113(a) of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. § 7413(a)(3).
2. On EPA’s behalf, the Region 4 Director of the Air, Pesticides and Toxics Management Division has been delegated the authority to issue this Order under Section 113(a) of the Act.
3. Respondent is Hilcorp Energy Company (Hilcorp), a corporation doing business in the state of Alabama Respondent is a “person” as defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

B. STATUTORY AND REGULATORY BACKGROUND

4. 40 C.F.R. Part 60, Subpart A, the General Provisions, apply to owners or operators of any stationary source which contains an affected facility which is defined at § 60.2, as any apparatus to which a standard is applicable).
5. 40 CFR Part 60 Subpart OOOOa is a New Source Performance Standard (NSPS), and was established pursuant to Section 111 of the CAA, 42 U.S.C. § 7411. These NSPS regulate

specific categories of stationary sources and establish technology-based standards applicable to air pollutant emissions. Except for § 60.11, the General Provisions apply to OOOOa.

6. 40 CFR Part 60, Subpart OOOOa, “Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015” apply to each “storage vessel,” which is defined at § 60.5430a, as “a tank or other vessel that contains an accumulation of crude oil, condensate, intermediate hydrocarbon liquids, or produced water.

7. 40 C.F.R. § 60.5365a(c), specifies that OOOOa applies to a storage vessel with the potential for

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volatile organic compound (VOC) emissions equal to or greater than 6 tons per year (tpy).

8. The applicable part of Subpart OOOOa, includes § 60.5370a, which states: at all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions.

9. The Annie Hill facility is subject to 40 CFR 60 Subpart OOOOa because it is a natural gas facility reconstructed after September 18, 2015 that contains two “storage vessels” that contain condensate, each of which has the potential for VOC emissions equal or greater than 6 tpy for each storage vessel.

C. FINDINGS

10. Hilcorp Energy Company (Hilcorp or Respondent), is the owner and operator of a tank battery located in in Chunchula, Mobile County, Alabama (Annie Hill faciliyty).

11. Annie Hill extracts a mixture of natural gas, water, and oil from the ground at the facility, and then separates them, stores the condensate, and compresses the gas and reinjects it in the well site. The Hilcorp Annie Hill facility consists of a well-head, separator, heater treater, storage tanks, and a flare. After the gas is received and separated at the well site it is then sent to Hilcorp Hatters Pond.
12. On August 16, 2017, the EPA inspectors conducted an air compliance evaluation of the Annie Hill facility well site utilizing a Forward Looking Infrared Gas Finder Camera (FLIR)®.
13. The FLIR camera is an imaging technology that uses infrared radiation to detect various gases and hydrocarbons. The FLIR camera can visualize chemicals that absorb infrared radiation between 3.2 and 3.4 microns (µm). The chemicals methane, ethane, propane, butanes, and pentanes all have strong absorbance bands between 3.2 and 3.4 µm, within the FLIR camera's detectable range, and such chemicals are made visible with the FLIR camera.
14. During the EPA's inspection, the inspectors used the FLIR camera detected continuous releases of regulated air pollutants from the pressure relief valve on the two condensate storage tanks (Tanks 2a-16-OST-CV and 2b-16-OST-CV) at the Annie Hill facility.
15. ~~Pressure Relief Valve Device~~. The FLIR camera detected continuous releases of regulated substances, including methane, ethane, and VOCs including propane, butanes, and pentanes, from the pressure relief device into the ambient air, during the EPA's inspection. This pressure relief valve device (PRD) was connected to both of the condensate storage tanks (Tanks 2a-16-OST-CV and 2b-16-OST-CV). ~~The PRD is a safety device to ensure that the storage tanks can release pressure if the vapor recovery unit (VRU) is not working correctly or if the pressure is too high for the VRU. Without the PRD, tanks can become over-pressurized and dangerous. At the time of the EPA inspection, the FLIR camera showed continuous releases of emissions from~~

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~~the PRD while the VRU was in operation. The purpose of the VRU is to collect all gases, vapors, and emissions releasing from the tanks and to route it to the control device. The VRU, when working correctly, should prevent the vapors from emitting through the PRD.~~

16. During the inspection, the EPA inspectors showed the Annie Hill facility personnel that emissions were still being released continuously from the PRD while the VRU was in operation. The facility personnel responded by increasing the suction to pull more air from the VRU but the release of VOC emission from the PRD continued. The continuous release of VOCs from the PRD attached to the storage tanks demonstrate that the Respondent failed to operate the facility in a manner consistent with good air pollution control practice for minimizing emissions, and is in violation of 40 CFR § 60.5370a.

17. Hilcorp's personnel were present during the EPA's inspection and witnessed the inspectors using FLIR camera to detect continuous release of VOC emissions and were able to view the FLIR videos. ||

18. ~~There was a feasible means by which Hilcorp could have maintained and operated the facility in a manner consistent with good air pollution control practices for minimizing emissions.~~

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And had the opportunity to see the tanks which they were operating

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E. ORDER

19. Respondent is ordered to conduct the compliance program described in this section of the Order.
20. Based upon the findings set forth above, Respondent IS HEREBY ORDERED, pursuant to Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3) as follows:
21. Within 15 days of the effective date of this Order as set forth in Section G below, the Respondent shall take such steps as are necessary to prevent the release of a regulated or other

extremely hazardous substance as described above, including repairing or replacing the components that led to the releases that were documented.

F. GENERAL PROVISIONS

22. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to \$97,229 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the Act, 42 U.S.C. §§ 7413(b)(2) and 7413(d)(1), and the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, § 701 of Pub. L. No. 114-74, 129 Stat. 599, (to be codified at 28 U.S.C. § 2461 note), as well as criminal sanctions as provided in Section 113(c) of the Act, 42 U.S.C. § 7413(c). The EPA may use any information submitted under this Order in an administrative, civil judicial, or criminal action.
23. Nothing in this Order shall relieve Respondent of the duty to comply with all applicable provisions of the Act or other federal, state or local laws or statutes, nor shall it restrict the EPA's authority to seek compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.
24. Nothing herein shall be construed to limit the power of the EPA to undertake any action against Respondent or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment.
25. The provisions of this Order shall apply to and be binding upon Respondent and its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assigns. From the effective date of this Order until the Termination Date as set out in paragraph 36 below, Respondent must give written notice and a copy of this Order to any successors in interest prior to any transfer of ownership or control of any portion of or interest in the Annie

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Hill tank battery. Simultaneously with such notice, Respondent shall provide written notice of such transfer, assignment, or delegation to the EPA. In the event of any such transfer, assignment, or delegation, Respondent shall not be released from the obligations or liabilities of this Order unless the EPA has provided written approval of the release of said obligations or liabilities.

26. Unless this Order states otherwise, whenever, under the terms of this Order, written notice or other document is required to be given, it shall be directed to the individual specified at the addresses below unless such individual or her successor gives notice of a change of address to the other party in writing:

Sydnee Adams at: U.S. EPA – Region 4; Air, Pesticides and Toxics Management

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Division; Air Enforcement and Toxics Branch; 61 Forsyth Street, S.W.; Atlanta, Georgia 30303; and adams.sydnee@epa.gov.

27. All notices and submissions shall be considered effective upon receipt.
28. To the extent this Order requires Respondent to submit any information to the EPA, Respondent may assert a business confidentiality claim covering part or all of that information, but only to the extent and only in the manner described in 40 C.F.R. Part 2, Subpart B. The EPA will disclose information submitted under a confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a confidentiality claim, the EPA may make the submitted information available to the public without further notice to Respondent.

G. EFFECTIVE DATE AND OPPORTUNITY FOR A CONFERENCE

29. Pursuant to Section 113(a)(4) of the Act, Respondent may request a conference with the EPA concerning the violations alleged in this Order to present evidence bearing on the finding of

violation, on the nature of the violation, and on any efforts it may have taken or it proposes to take to achieve compliance. Respondent may have legal counsel at the conference.

30. Respondent's request for a conference must be in writing, and must be received by the EPA within ten (10) days of Respondent's receipt of this Order. If the requested conference is held, this Order shall become effective ten (10) days after the conference is held.

31. If Respondent does not request a meeting in accordance with the preceding paragraph, Respondent waives its right to a conference, and this Order shall become effective ten (10) days from its receipt.

32. Any request for a conference, or other inquiries concerning this Order, should be made in writing to:

Sydney Adams at U.S. EPA – Region 4; Air, Pesticides and Toxics Management
Division; Air Enforcement and Toxics Branch; 61 Forsyth Street, S.W.; Atlanta, Georgia
30303; and adams.sydney@epa.gov.

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H. JUDICIAL REVIEW

33. Respondent may seek federal judicial review of the Order pursuant to Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1).

I. TERMINATION

34. This Order shall terminate on the earlier of one of the following (the "Termination Date") at which point Respondent shall operate in compliance with the Act:

- a. One year after the Effective Date of this Order;
- b. The effective date of any determination by the EPA that Respondent has achieved compliance with all terms of this Order; or
- c. Immediately upon receipt by Respondent of notice from the EPA finding that an imminent and

substantial endangerment to public health, welfare, or the environment has occurred.

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For the United States Environmental Protection Agency, Region 4:

Date of Issuance

Carol L. Kemker
Acting Director
Air, Pesticides and Toxics Management Division